

REMARKS

Applicants acknowledge receipt of the Examiner's Office Action dated July 25, 2008.

Rejections of Claim Under 35 U.S.C. § 112

Claims 4-8, 12-16, 24, 26, and 28 are rejected under 35 U.S.C. § 112, second paragraph, as purportedly being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, page 2 of the present Final Office Action asserts that “the inclusion of the phrase ‘prior to converting the product management information’” is unclear. Applicants have amended Claims 24, 26, and 28 to recite “prior to converting the product management information into a target form” to address the concerns of the Examiner. Support for the amendments can be found in at least pages 7 and 8 of the present Specification. Thus, independent Claims 24, 26, and 28 and dependent claims therefrom are patentable. Applicants respectfully request that the rejection be withdrawn.

Rejections of Claims Under 35 U.S.C. § 103

Claims 4-8, 12-16, 24, 26, and 28 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rappoport, U.S. Patent No. 6,828,963 (Rappoport) in view of Arai et al., U.S. Publication No. 2003/0097642 A1 (Arai). While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish the

cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Page 4 of the present Final Office Action states that col. 5, lines 36-46 of Rappoport discloses “performing an update of an existing product management record in the target computerized product information using the product management information in the target form,” as recited in Claims 24, 26, and 28. Col. 5, lines 36-46 of Rappoport states:

An underlying objective in the data exchange techniques described herein is that the design intent from the source CAD model should be preserved. What this means in practice is that the resultant CAD data structure for the target computer system preserves the ability of a subsequent engineer to manipulate, on a feature by feature basis, the target CAD data structure – just as if the engineer were operating on the source CAD data structure. Of course, this level of manipulation will not always be possible, and indeed it is not even a necessary requirement of the invention, but it is preferred nonetheless.

In other words, the cited passage discloses that an objective of Rappoport is to generate a target CAD data structure from a source CAD data structure that enables an engineer to manipulate the target CAD data structure as if the engineer were working with the source CAD data structure. However, nothing in the cited passage discloses, teaches, or suggests that any sort of update to an existing product management record using the product management information in the target form, as recited in the independent claims, because the cited passage of Rappoport does not disclose (or render obvious) each and every element of the recited element.

Page 4 of the present Final Office Action appears to be analogizing Rappoport’s “target CAD data structure” to the claimed “product management information in the

target form" (a point which Applicants do not concede). Further, the present Final Office Action appears to be analogizing Rappoport's manipulation of the target CAD data structure to the claimed "update" in the independent claims (a point which Applicants do not concede). However, there is simply no structure, device, or element within the cited passages of Rappoport that can be fairly analogized to the claimed "an existing product management record in the target computerized product management system." Even if the present Final Office Action attempted to analogize the "target CAD data structure" to the claimed "existing product management record in the target computerized product management system," (a point which Applicants do not concede) there would be no structure, device, or element within the cited passages of Rappoport that can be fairly analogized to the claimed "target CAD data structure." Thus, the cited passages of Rappoport do not disclose (or render obvious) each and every element of Claims 24, 26, and 28. Therefore, Claims 24, 26, and 28, and all claims depending therefrom are patentable over the cited passages of Rappoport and Arai, taken separately or in any permissible combination. Applicants respectfully request that the rejection be withdrawn.

"Nonfunctional descriptive material"

Independent Claim 24 (and similarly, independent Claims 26 and 28) recite various elements for the extraction and conversion of "product management information," which "comprises information regarding the managing of the product." In support of the § 103 rejection, the present Final Office Action states (on page 5): "Rappoport does not specifically disclose that the data being stored and converted in the method is product management information." The present Final Office Action asserts that the differences between the data in Rappoport and the claimed "product management

information" of the independent claims are "nonfunctional descriptive material and are not functionally involved in the steps recited." The present Final Office Action cites *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) ("Gulack") and *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) ("Lowry") to support the rejection.

Even if all of the claimed features (save the recitation of "product management information") of the independent claims were disclosed in Rappoport and Arai, taken alone or in any permissible combination, (a point which Applicants do not concede), the cited passages of Rappoport and Arai, taken alone or in any permissible combination would still fail to render the independent claims unpatentable because the claimed "product management information" is not "nonfunctional descriptive material."

Upon closer reading of Gulack and Lowry, Gulack is cited by Lowry for the proposition that "the critical question is whether there exists any new and unobvious functional relationship between the printed matter and the substrate. *In re Gulack*, 703 F.2d at 1386. The claim at issue in Lowry recited a data structure that recited attribute relationships between different data objects. The court in Lowry distinguished the data structure from "printed matter" stored on a "substrate" by stating that

Lowry's [attribute data objects (ADOs)] do not represent merely underlying data in a database. ADOs contain both information used by application programs and information regarding their physical interrelationships within the memory. Lowry's claims dictate how application programs manage information. Thus, Lowry's claims define functional characteristics of the memory.

Contrary to the PTO's assertion, Lowry does not claim merely the information content of a memory. Lowry's data structures, which including data resident in a database, depend only functionally on information content. While the information content affects the exact sequence of bits stored in accordance with Lowry's data structures, the

claims require specific electronic structure elements which impart a physical organization on the information stored in memory. Lowry's invention manages information.

Thus, Applicants assert that Lowry stands for the proposition that data can be functionally related to recited steps in the claim. For example, referring to independent Claim 24, the "product management information in a first form" is associated with a "first source computerized product management system"; the "product management information in the second intermediate form comprises a list of product elements for defining a hierarchy of data elements"; the "product management information in the target form corresponds to a target computerized product information system"; and the "product management information in the target form" is used to perform "an update of an existing product management record," which "resided in the target computerized system prior to converting the product management information into the target form." As clearly shown, the claimed "product management information" (of various forms) is functionally related to at least the target computerized product management system since the product management information in the target form is used to update an existing product management record stored on the target computerized product management system. Any other "descriptive material," as asserted by the Final Office Action (such as Rappoport's "enterprise resource planning data" stored on "CAD systems"), would not (and could not) be utilized by the source and target computerized product management systems (or used to update "an existing product management record") because the "enterprise resource planning data" or any other data would be wholly incompatible to the claimed source and target computerized product management systems (and the "existing product management record") since those systems require the claimed "product management

information” for operation. One simply cannot ignore the differences between “enterprise resource planning data” and the claimed “product management information” for at least these reasons.

Thus, the cited passages of Rappoport and Arai, taken alone or in any permissible combination, do not disclose (or render obvious) each and every element of the independent claim. Therefore, independent Claims 24, 26, 28, and all claims dependent therefrom are patentable over the cited passages of Rappoport and Arai, taken alone or in any permissible combination.

Page 7 of the present Final Office Action states that Rappoport “does not specifically disclose the hierarchy of specific data elements claimed” (in reference to Claims 4-8 and 12-16). The present Final Office Action supports the § 103 rejection by stating (on page 7) that “these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited.” Applicants respectfully disagree and apply the arguments applicable to Claim 24, 26, and 28 to Claims 4-8 and 12-16.

CONCLUSION

Applicants submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



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